

VARIANCE APPLICATION

OFFICE USE ONLY

DOCKET #: _____ FILING DATE: _____
FILING FEE: \$ _____ FEE PLUS \$ _____ PER ADDITIONAL VARIANCE (@ _____) = \$ _____

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Lauren & Darne (STAFF NAME) DATE: 2/1/2023

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____
PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): _____

APPLICANT INFORMATION

| | |
|--|------------------------------------|
| APPLICANT'S NAME: <u>Andrew K. Tebbe</u> | TELEPHONE: <u>317-710-4457</u> |
| ADDRESS: <u>2988 Creeks Crossing Westfield</u> | EMAIL: <u>tebbea@wws.k12.in.us</u> |
| PROPERTY OWNER'S NAME: <u>Same</u> | TELEPHONE: <u>Same</u> |
| ADDRESS: _____ | EMAIL: <u>Same</u> |
| REPRESENTATIVE'S NAME: <u>Same</u> | TELEPHONE: <u>Same</u> |
| COMPANY: _____ | EMAIL: <u>Same</u> |
| ADDRESS: _____ | |

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 2988 Creeks Crossing Court
COUNTY PARCEL ID #(S): 08-09-08-00-05-021.000
EXISTING ZONING DISTRICT(S): SF2 EXISTING LAND USE(S): Residential

PROPERTY AND PROJECT INFORMATION

☐ VARIANCE OF LAND USE CODE CITATION: _____
☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____

See attached statement

APPLICANT AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

AK Tebbe
Applicant/Representative (signature)

Andrew K. Tebbe
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 2ND day of MARCH, 2023
State of INDIANA, County of HAMILTON, SS: _____

Johnna M. Groom
Notary Public (signature)

JOHNNA M. GROOM
Notary Public (printed)



JOHNNA M. GROOM
Notary Public, State of Indiana
Hamilton County
Commission #702065
My Commission Expires
June 26, 2025

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

AK Tebbe
Property Owner (signature)*

Andrew K. Tebbe
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 2ND day of MARCH, 2023
State of INDIANA, County of HAMILTON, SS: _____

Johnna M. Groom
Notary Public (signature)

JOHNNA M. GROOM
Notary Public (printed)



JOHNNA M. GROOM
Notary Public, State of Indiana
Hamilton County
Commission #702065
My Commission Expires
June 26, 2025

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: Andrew K. Tebbe DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

n/a

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____

n/a

C. The need for the variance arises from some condition particular to the property involved because: _____

n/a

D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: _____

n/a

E. The variance of use does not interfere substantially with the Comprehensive Plan because: _____

n/a

FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: Andrew K. Tesbe DOCKET #: _____

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: _____

see attached statement

B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: _____

see attached statement

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: _____

see attached statement

GENERAL INSTRUCTIONS

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| <input checked="" type="checkbox"/> Completed Application | <input checked="" type="checkbox"/> Legal Description |
| <input checked="" type="checkbox"/> Draft Public Notice | <input checked="" type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input checked="" type="checkbox"/> Property Owner Consent | <input type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input checked="" type="checkbox"/> Site Plan (to scale) | <input type="checkbox"/> Copy of Property Deed |
| <input checked="" type="checkbox"/> Statement of Intent | Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Filing Fee Check:** After the filing of an application, the Department will advise the applicant of the applicable filing fee amount, which is due and payable (checks made out to "City of Westfield") within two (2) weeks of filing.
- D. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- E. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's Rules of Procedure:
- Newspaper Publication:** Notice of the hearing will be published in the Hamilton County Reporter and The Times. The Department will handle the newspaper publication requirement.
 - Mailed Public Notice:** The applicant is responsible to send public notice by certified mail with proof of mailing (certificate of mailing) to all interested parties, postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one eighth of a mile (1/8), whichever is less.
 - Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 - Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- F. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- G. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- H. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- I. **Resource:** Please see the Board's Rules of Procedure for more detailed procedural information.

Statement of Intent - Project Description

We are wanting to install an in-ground swimming pool in the rear yard of our home.

Address:

2988 Creeks Crossing, Westfield, IN 46074

Legal Description:

Acreage 0.36, Section 8, Township 18, Range 3, Bent Creek Section 4, Lot 93 Irregular shape

The proposed pool will measure approximately 16 feet wide by 36 feet long. The proposed pool location meets all required 15 foot easements but does not comply with the 30 foot setback rule on the East side. We are seeking a variance on the 30 foot setback on the East side to allow for the proposed pool location.

Pools of Fun will be installing the pool and overseeing all aspects of the installation. Pools of Fun is a reputable and highly respected pool company in Indiana. They will make sure any and all landscaping and drainage issues are addressed. The pool will have an automatic cover meeting the required safety standards.

The pool installation has also been approved by the homeowners association and that approval letter is part of this application. All stipulations listed in the HOA approval letter will be met

Variance Request Details

The east Side of Pool complies with the 15 foot easement but does not comply with the 30 foot setback. The Pool edge will be approximately 26 feet from the property line. The area east of the property line is common ground for the neighborhood and a large water retention pond. We are seeking a variance on the 30 foot setback on the east side.

A

The public health, safety, morals, and general welfare of the community will not be injurious because the location of installing the Pool is currently an open lawn area in the backyard of the property owner. Nature or wildlife will also not be impacted by installing a Pool. Inground pools are plentiful throughout the community and other homeowners in our neighborhood have inground pools.

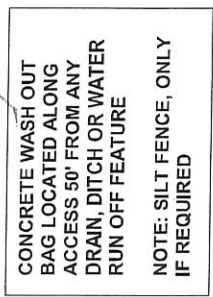
B

The east side of the property line that a variance is being requested is common ground that runs into a large retention pond. Access to the common ground and area around the retention pond will not be impacted and will remain the same after installing the pool.

C

A second floor back yard porch and steps that lead down into the yard dictate the location of the pool. Moving the pool further West creates a pinch point around the pool by the back porch steps. If the pool is moved further south to alleviate the pinch point of the back porch steps then a variance would be needed on the south side instead. The south side has the only contiguous property owner so moving the pool in this direction has a much greater impact. The planned location is deemed "best" because it keeps the pool more centered in the back yard and away from the neighbor on the south side as well as balancing the distance from common ground on the north and east sides. This location also alleviates pinch points moving around the pool. If the 30 foot setback stays in play, the pool would be too small to be practical and useful.

Thank you for your consideration in granting our variance request.



JOSEPH TRIAN
REGISTERED
No.
LS-1500000
STATE OF
INDIANA
LAND SURVEYOR

Received this 14th day of May, 2022

PREPARED FOR: PULTE HOMES
JOB #: 225E-578


| | | | |
|--|---|-----------------------|-----------------------|
|  FOREN SURVEYING & ENGINEERING | 17241 Independence Pkwy., Westfield, IN 46084 (765) 866-0000 | | Date: 0 |
| | DRAWN BY: CTA CHECKED BY: | DATE OF REV: 06/06/07 | DATE OF SET: 06/06/07 |

4309 Sq Yds.
1500 Sq Ft.
178 Sq Ft.
377 Sq Ft.
1,246 Sq Ft.

SOD:
SEED:
PRIVATE WALK:
PUBLIC WALK:
DRIVEWAY:

LEGEND
AS APPLICABLE

| | |
|---|-----------------|
| 1 | ELEVATION PLAIN |
| 2 | ELEVATION MOUND |
| 3 | BANKS METER |
| 4 | WATER METER |
| 5 | WATER VALVE |
| 6 | FIRE HYDRANT |
| 7 | STORM SEWER |
| 8 | CURB GUT |

1  PLOT PLAN
1" = 30'-0"

BUILDING SETBACK LINES
MAIN SIDE YARD

Bent Creek

941 E. 86th Street
Suite 225
Indianapolis, IN 46240

Phone: 317-631-2213
Toll Free: 800-354-0257

Andy Tebbe
2988 Creeks Crossing Ct
Westfield IN 46074

RE: Architectural Submittal for 2988 Creeks Crossing Ct
Account#: 1616918
Submittal: Pool Installation

February 17, 2023

Dear Andy Tebbe:

The Architectural Review Committee has reviewed and **APPROVED WITH STIPULATIONS** the above listed submittal. The Architectural Committee has placed stipulations on your approval, they are outlined below:

- Swimming pools shall be screened from any street view.
- The pool and all related mechanical equipment will be located in the rear yard and will not extend past the side of the dwelling and will be fully concealed from view.
- Homeowner shall take into consideration all sound nuisances to neighboring property in the installation of equipment.
- Pool decking shall not exceed 40% of buildable rear lot area.
- Pool accessories shall not exceed 10 feet in height from builder installed grade.
- No permanent lines or wires shall be constructed, placed or permitted to be placed anywhere above ground on the Unit.
- Owner responsible to obtain all applicable permits from County, State, City, or Township prior to work and to have property utilities marked prior to digging

This approval is subject to all County, City, State and Federal permits, codes, statutes, laws, rules, and regulations, which are the sole responsibility of the homeowner. This approval shall not be deemed a warranty or representation as to the quality of the construction, installation, addition, alteration, repair, change or other work.

Should you have any questions, please feel free to contact me at 463-221-5620 or by email at panthony@AssociatedAsset.com. We thank you for your patience with this process.

Sincerely,

Patricia Anthony
Community Manager
For the Board of Directors
Bent Creek Homeowners Association Inc

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

AFFIDAVIT OF NOTICE OF PUBLIC HEARING

DOCKET #: 2304-VS-05PUBLIC HEARING DATE: April 11, 2023APPLICANT'S NAME: Andrew K TebbeREPRESENTATIVE'S NAME: Andrew K Tebbe COMPANY: n/aPROJECT TO BE KNOWN AS: Install inground poolAPPLICATION TYPE: ☐ CHANGE OF ZONING ☐ TEXT AMENDMENT ☐ COMMITMENTS ☐ PRIMARY PLAT☐ DEVELOPMENT PLAN (SITE PLAN) ☒ BOARD OF ZONING APPEALS (VARIANCE, SPECIAL EXCEPTION)

PUBLIC NOTICE AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath does hereby certify that notice of public hearing to consider above petition was sent by certified, registered or first class mail to the last known address of each of the following persons, as attached hereto as Exhibit A, they being all persons to whom notice was required to be sent by the Plan Commission or Board of Zoning Appeals' Rules of Procedure (as applicable), and that said notices were postmarked on the 22 day of March, 2023 being at least ten (10) days prior the scheduled public hearing.

I (We) further certify that the notice required to be posted on the subject property described in the above petition was posted on the subject property in accordance with the Plan Commission's or Board of Zoning Appeals' Rules of Procedures (as applicable) on the 22 day of March, 2023 being at least ten (10) days prior the scheduled public hearing.

AK Tebbe
Applicant/Representative (signature)*

Andrew K. Tebbe
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing instrument.

Witness my hand and Notarial Seal this 22ND day of MARCH, 2023.

State of INDIANA, County of HAMILTON, SS:

Johnna M. Groom
Notary Public Signature
JOHNNA M. GROOM
Notary Public (printed)



JOHNNA M. GROOM
Notary Public, State of Indiana
Hamilton County
Commission #702065
My Commission Expires
June 26, 2025